IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.5675 OF 2005
IN
FIRST APPEAL NO.2232 OF 2005

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.M.P.Vashi for the applicant.
Mr.S.D.Mogare for respondent nos.1 to 3.

CORAM: D.B.BHOSALE, J.
DATED: 12TH DECEMBER, 2006

P.C.:

. Heard learned counsel for the parties.

2. By this civil application, the applicants have prayed for stay to the execution of the decree passed in S.C.Suit No.3265 of 1975. Admittedly, the applicant are in possession of the suit premises. There was no interim order running against the applicants pending hearing and final disposal of the suit. Keeping that in view and considering the overall facts and circumstances of the case the prayer in the civil application deserves to be granted. The civil application is, accordingly, allowed in terms of prayer clause (a). Liberty to respondent nos.1 to 3 to prepare a paper book and file it with sufficient number of copies as required under the rules within eight weeks from today. If the paper book as aforestated

is filed by respondent nos. 1 to 3, the appeal may be fixed for final hearing in the last week of March, 2007. The interim order shall not preclude the court below from conducting mesne profit enquiry, however, it shall not be executed pending the hearing and final disposal of the appeal. Civil application is disposed of.

(D.B.Bhosale, J.)